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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

JOHN DOE, an individual,

Plaintiff,

v.

CONGREGATION OF THE PRIESTS OF
THE SACRED HEART, INC.; THE
ARCHDIOCESE OF PORTLAND IN
OREGON, an Oregon corporation; THE
ROMAN CATHOLIC ARCHBISHOP OF
PORTLAND IN OREGON and successors, a
corporation sole d.b.a. THE ARCHDIOCESE
OF PORTLAND IN OREGON; BRYAN
BENOIT, an individual,

Defendants.

Case No.

COMPLAINT FOR DAMAGES

- 1. Sexual Battery of a Child/*Respondeat Superior***
- 2. Intentional Infliction of Emotional Distress/*Respondeat Superior***

DEMAND FOR JURY TRIAL

Plaintiff JOHN DOE (“Plaintiff”) alleges as follows:

THE PARTIES

1. Plaintiff “John Doe” is an adult male born in the year 1985. The name utilized by Plaintiff in this Complaint is a fictitious name used to protect his privacy as a victim of childhood sexual assault, and disclosure of his identity to the public would further victimize him and cause

emotional injury. Plaintiff's claims are sensitive in nature and proceeding under a fictitious name will minimize additional fear, embarrassment, humiliation, and possible retaliation from third parties that public disclosure of Plaintiff's identity might otherwise generate. Plaintiff has informed Defendants of Plaintiff's identity, or will promptly be made known to Defendants and thus Defendants will not be prejudiced by Plaintiff proceeding under a fictitious name. Plaintiff resides in San Diego County, California, at the time of this complaint.

2. Plaintiff is informed and believes and thereon alleges that at all times material hereto, Father Bryan Benoit (hereinafter referred to as "Fr. Benoit") was an individual and resident of Coos County, Oregon. Plaintiff is informed and believes that Fr. Benoit was an ordained Roman Catholic priest. Plaintiff is further informed, believes, and thereon alleges that Fr. Benoit is alive and resides in Franklin County, Missouri, at the time of this complaint.

3. Plaintiff is informed and believes and thereon alleges that at all times material hereto, Congregation of the Priests of the Sacred Heart, Inc. (hereinafter referred to as "Priests of the Sacred Heart") was and continues to be a Corporation Sole, incorporated in 1974 and conducting business in the State of Wisconsin, with its principal place of business at 7330 S Lovers Lane Road, Franklin, WI 53132. Priests of the Sacred Heart was and continues to be a Roman Catholic clerical religious congregation of Pontifical Right. At all times material, Priests of the Sacred Heart was and continues to be under the direct authority, control, and province of the Pope.

4. Plaintiff is informed and believes and thereon alleges that at all times material hereto, Priests of the Sacred Heart was responsible for over 2,000 priests or brothers around the world. Priests of the Sacred Heart employed Fr. Benoit from at least 1988 through 2018.

5. Plaintiff is informed and believes and thereon alleges that Fr. Benoit was a priest with Priests of the Sacred Heart and was assigned to Holy Redeemer Catholic Church in North Bend, Oregon in or around 1998.

6. Plaintiff is informed and believes and thereon alleges that at all times material hereto, Holy Redeemer Catholic Church was and is a religious institution organized under the laws of the State of Oregon as a religious entity, with its principal place of business at 2250 16th Street North Bend, Oregon 97459. Holy Redeemer Catholic Church includes, but is not limited to, the Holy Redeemer Catholic Church organization and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business. At all times material, Holy Redeemer Catholic Church was and continues to be under the direct authority, control, and province of the Archdiocese of Portland in Oregon and the Roman Catholic Archbishop of Portland in Oregon. At all times material, Archdiocese of Portland in Oregon and the Roman Catholic Archbishop of Portland in Oregon owned, operated, managed, maintained, and controlled Holy Redeemer Catholic Church.

7. Plaintiff is informed and believes and thereon alleges that at all times material hereto, the Archdiocese of Portland in Oregon and the Roman Catholic Archbishop of Portland in Oregon, d.b.a. the Archdiocese of Portland in Oregon (hereinafter referred to as “the Archdiocese”) were Oregon corporations that merged in 1991, at which time the merged corporations became the “Roman Catholic Archbishop of Portland in Oregon, and Successors, a Corporation Sole,” and the “Archdiocese of Portland in Oregon” became the merged corporation’s assumed business name.

8. The Archdiocese was founded as an archdiocese in 1846, which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business, incorporated in, and conducting business in the State of Oregon, with its principal place of business at 2838 E Burnside Street Portland, Oregon 97214. The Archdiocese is responsible for Roman Catholic Church operations in the western part of the State of Oregon, from the summit of the Cascades to the Pacific Ocean. The Archdiocese is responsible for the funding, staffing and direction of the parishes, parochial schools, fraternal organizations and other facilities and institutions within the geographic area of Western Oregon. At all times material

hereto, the Archdiocese was the primary entity owning, operating, and controlling the activities and behavior of its employees and agents at Holy Redeemer Catholic Church, and all other employees, agents and supervisors of the Archdiocese.

9. Plaintiff is further informed, believes, and thereon alleges at all times material hereto, that Fr. Benoit was an agent of the Holy Redeemer Catholic Church.

10. Plaintiff is informed and believes and thereon alleges that at all times material hereto, while acting as a priest, and for the purpose of furthering his assigned duties as a priest, Fr. Benoit was employed by Priests of the Sacred Heart and performing any and all assigned duties as a priest as an agent of the Priests of the Sacred Heart. Any and all admission by the Archdiocese to allow and/or permit Fr. Benoit to practice within the Archdiocese, including the Holy Redeemer Church, was due to Fr. Benoit's standing as an active priest with the Priests of the Sacred Heart, and an outgrowth of the Priests of the Sacred Heart's affiliation, agency, and membership as a Roman Catholic clerical religious congregation. At all times relevant to this complaint, Fr. Benoit was an employee and agent of Priests of the Sacred Heart and an agent of the Archdiocese.

11. Plaintiff alleges that each Defendant is responsible in some actionable manner for the events alleged herein. Wherever in this Complaint it refers to "Defendants," such reference shall mean and include each expressly named Defendant.

12. Defendants empowered Fr. Benoit to be present at the Holy Redeemer Church. Defendants knew that as part of his duties as a priest, Fr. Benoit would have access to children, including Plaintiff. Fr. Benoit physically perpetrated acts of childhood sexual assault upon Plaintiff when Plaintiff was a minor.

JURISDICTION

13. This Court has jurisdiction over this case pursuant to 28 USC § 1332 and 28 USC § 1334(a), and Sections 6.4.3 and 11.1 of the Third Amended and Restated Joint Plan of Reorganization of Debtor, Tort Claimants Committee, Future Claimants Representative, and

Parish and Parishioners Committee, dated April 9, 2007, In the Matter of Roman Catholic Archbishop of Portland in Oregon, and Successors, a Corporation Sole, dba Archdiocese of Portland in Oregon, Debtor, United States Bankruptcy Court for the District of Oregon Case No. 04-37154-elp11 (2007) (“The Plan”). Venue is proper pursuant to 28 USC 1409(a) and 28 USC 1391(b)(2), and pursuant to the above cited paragraphs of The Plan.

FACTUAL ALLEGATIONS

14. Plaintiff hereby incorporates each and every allegation contained in every preceding paragraph as though fully set forth herein.

15. Plaintiff is informed and believes that Fr. Benoit was an ordained Roman Catholic priest. Fr. Benoit was employed by Priests of the Sacred Heart. Priests of the Sacred Heart placed Fr. Benoit in positions where he had access to and worked with children as an integral part of his work. During that employment and agency, Fr. Benoit was physically present as a visiting Priest at the Holy Redeemer Church and therefore, would have physical proximity and opportunity to access minor attendees, including Plaintiff.

16. Priests of the Sacred Heart authorized and/or placed Fr. Benoit to be located in close proximity to the Holy Redeemer Church, in or around 1998/1999. Holy Redeemer Church allowed Fr. Benoit to be present at the Holy Redeemer Church.

17. When Plaintiff was a minor, he would attend Holy Redeemer Catholic Church. Defendants’ agent, Fr. Benoit, was authorized to be present at the premises of the Holy Redeemer Catholic Church by the Priests of the Sacred Heart and the Archdiocese. Plaintiff came in contact with Fr. Benoit in the 1998 and 1999 timeframe.

18. As a minor, Plaintiff attended mass at the Holy Redeemer Church. Fr. Benoit identified Plaintiff’s family as one with an adolescent boy and no father, making him especially vulnerable.

19. After being targeted due to his vulnerability, Fr. Benoit made efforts to befriend Plaintiff and earn his trust while Plaintiff attended the Holy Redeemer Catholic Church.

Those efforts included, but were not limited to, Fr. Benoit sending Plaintiff multiple emails a day, buying Plaintiff gifts, and ensuring he had contact with Plaintiff whenever he saw Plaintiff was present at the Holy Redeemer Church. The course of conduct described in this paragraph and in the above paragraph is hereinafter collectively referred to as “grooming.”

20. Fr. Benoit used the grooming process to accomplish his acts of repeated sexual assault and abuse of Plaintiff. Fr. Benoit’s grooming was committed within the time and space limits of his employment and/or agency as a priest; done directly in the performance of his duties as a priest; undertaken, at least in part, with the desire to serve Defendants; generally, actions of a kind and nature which Fr. Benoit was required to perform as a priest; and done at the direction of, and pursuant to, the power vested in him by Defendants. In the alternative, acts within the course and scope of Fr. Benoit’s employment and/or agency for Defendant led to or resulted in Plaintiff’s abuse.

21. In or around 1998 to 1999, when Plaintiff was at or about 13 years old, Fr. Benoit, while acting within the course and scope of his employment and/or agency – through the grooming process – induced and directed Plaintiff to engage in various sexual acts with him.

22. Specifically, Fr. Benoit sent sexually explicit emails to Plaintiff. The sexually explicit emails continued for several months, three to four times a day, and sometimes included webcam photos of Fr. Benoit.

23. Fr. Benoit sexually abused and molested Plaintiff on multiple occasions. The sexual abuse included fondling Plaintiff’s genitals, performing oral copulation on Plaintiff, digitally penetrating Plaintiff, and forcing Plaintiff to perform oral copulation.

24. As a direct and proximate result of Fr. Benoit’s childhood sexual assaults against Plaintiff, Plaintiff has suffered, and will continue to suffer, severe physical, psychological, emotional and economic harm in a sum to be proven at the time of trial.

25. As a direct and proximate result of Plaintiff's sexual abuse by Fr. Benoit, Plaintiff has suffered economic injury, all to Plaintiff's general, special, and consequential damage in an amount to be proven at trial, but in no event, less than the minimum jurisdictional amount of this Court.

26. Fr. Benoit at all times material hereto was an employee, agent and/or representative of Defendants. Fr. Benoit engaged in unlawful sexual conduct with Plaintiff when Plaintiff was a minor. Defendants are vicariously liable for the childhood sexual abuse committed by Fr. Benoit including, but not limited to, through the theories of *Respondeat Superior*, ratification and authorization. Fr. Benoit's childhood sexual misconduct with Plaintiff occurred while Fr. Benoit was functioning on behalf of Defendants and was made possible because of that agency.

FIRST CAUSE OF ACTION

Sexual Battery of a Child/*Respondeat Superior* (Against All Defendants)

27. Plaintiff realleges and incorporates as if fully stated herein, each and every allegation contained in every preceding paragraph above.

28. The abuse described above, constituted a harmful and offensive touching of Plaintiff, to which Plaintiff could not and did not consent.

29. As a result of Fr. Benoit's abuse of Plaintiff and Fr. Benoit's breach of authority, trust and position as a priest and authority figure to Plaintiff, Plaintiff suffered economic and non-economic damages, as detailed above.

30. In molesting Plaintiff, Fr. Benoit acted with malice or a reckless and outrageous indifference to a highly unreasonable risk of harm with a conscious indifference to the health, safety and welfare of Plaintiff. Plaintiff is therefore entitled to punitive damages against Fr. Benoit in an amount to be proven at trial.

31. Fr. Benoit was an employee and agent of Priests of the Sacred Heart and an agent of the Archdiocese. Fr. Benoit's acts of childhood sexual abuse to Plaintiff, fully described in this Complaint, occurred during the course and scope of Fr. Benoit's employment and/or agency, and Priests of the Sacred Heart and the Archdiocese are therefore vicariously liable under *Respondeat Superior*.

32. Punitive damages against an agent are attributable to a principal when conduct within the course and scope of agency leads to results in the tort. Plaintiff is therefore entitled to punitive damages against Priests of the Sacred Heart and the Archdiocese in an amount to be proven at trial.

SECOND CAUSE OF ACTION

Intentional Infliction of Emotional Distress/*Respondeat Superior* (Against All Defendants)

33. Plaintiff realleges and incorporates as if fully stated herein, each and every allegation contained in every preceding paragraph above.

34. Fr. Benoit, while engaging in the grooming process described above, knowingly and intentionally caused severe emotional distress to Plaintiff when he sexually abused Plaintiff. Plaintiff did, in fact, suffer severe emotional distress as a result of this abuse, and the sexual abuse of a child is beyond the bounds of all socially tolerable conduct.

35. As a result of Fr. Benoit's intentional infliction of emotional distress on Plaintiff, and Fr. Benoit's breach of authority, trust and position as priest and authority figure to Plaintiff, Plaintiff suffered economic and non-economic damages as detailed above.

36. In molesting Plaintiff, Fr. Benoit acted with malice or a reckless and outrageous indifference to a highly unreasonable risk of harm with a conscious indifference to the health, safety and welfare of Plaintiff. Plaintiff is therefore entitled to punitive damages against Fr. Benoit in an amount to be proven at trial.

37. Fr. Benoit was an employee and agent of Priests of the Sacred Heart and an agent of the Archdiocese. Fr. Benoit's acts of childhood sexual abuse to Plaintiff, fully described in this Complaint, occurred during the course and scope of Fr. Benoit's employment and/or agency, and Priests of the Sacred Heart and the Archdiocese are therefore vicariously liable under *Respondeat Superior*.

38. Punitive damages against an agent are attributable to a principal when conduct within the course and scope of agency leads to results in the tort. Plaintiff is therefore entitled to punitive damages against Priests of the Sacred Heart and the Archdiocese in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

1. For non-economic damages in the amount of \$3,000,000, the exact amount to be determined by the jury at the time of trial;
2. For economic damages in the amount of \$2,000,000, the exact amount to be determined by the jury at the time of trial;
3. For punitive damages in the amount of 10,000,000, the exact amount to be determined by the jury at the time of trial;
4. For interest as permitted by law;
5. For costs of suit; and
6. For such other and further relief as the Court deems just and equitable.

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JURY DEMAND

Plaintiff demands a jury trial for all claims so triable.

DATED: February 25, 2022

THENELL LAW GROUP, P.C.

By: /s/ Kirsten L. Curtis
Kirsten L. Curtis, OSB No. 113638
Of Attorneys for Plaintiff JOHN DOE